

JUDICIARY

FINANCIAL SUMMARY

	FY 2003 EXPENDITURE	FY 2004 APPROPRIATION	FY 2005 REQUEST	GOVERNOR RECOMMENDS FY 2005
Supreme Court	\$ 4,413,032	\$ 4,741,581	\$ 7,202,554	\$ 6,899,961
Office of State Courts Administrator	23,143,704	30,865,609	32,944,808	31,665,957
Courts of Appeal	10,081,558	10,006,074	10,796,701	10,181,404
Circuit Courts	109,428,457	111,623,656	114,612,137	113,905,523
Drug Courts	1,821,500	3,321,500	6,721,500	3,321,500
Commission on Retirement, Removal, and Discipline of Judges	184,752	189,861	189,861	192,805
Appellate Judicial Commission	3,638	15,993	7,741	7,741
TOTAL	\$ 149,076,641	\$ 160,764,274 *	\$ 172,475,302	\$ 166,174,891
General Revenue Fund	139,003,782	137,546,486	146,841,884	140,436,828
Federal Funds	4,950,075	16,869,957	16,739,877	16,811,261
Third Party Liability Collections Fund	249,826	347,912	347,912	352,309
Statewide Court Automation Fund	4,452,551	4,707,919	4,707,919	4,735,400
Supreme Court Publications Revolving Fund	79,991	125,000	150,000	150,000
Missouri CASA Fund	56,984	200,000	200,000	200,000
Crime Victims' Compensation Fund	0	352,000	632,000	632,000
Basic Civil Legal Services Fund	0	0	2,085,710	2,085,710
Supreme Court Administrative Revolving Fund	28,913	90,000	180,000	180,000
Domestic Relations Resolution Fund	253,732	500,000	590,000	591,383
Fine Collections Center				
Interest Revolving Fund	787	25,000	0	0
Full-time equivalent employees	3,349.12	3,399.86	3,482.26	3,400.86

* Does not include \$26,299 other funds recommended in the Fiscal Year 2004 Supplemental Appropriations. See the Supplemental section of the Missouri Budget for details regarding the Judiciary supplemental appropriations.

POLICY SUMMARY

Governor Holden's budget for Fiscal Year 2005 provides a total of \$166.2 million for the Judiciary. The judiciary ensures Missourians have an equitable and accessible forum for the adjudication of civil disputes and criminal charges.

Providing Basic Civil Legal Services

The Office of State Courts Administrator has been given the responsibility to collect and deposit fees for the Basic Civil Legal Services Fund imposed on selected court cases by SB 447 (2003), and intercepting state tax refunds on behalf of the courts from individuals who have failed to pay court costs, fines, fees, and other sums in excess of \$25 as ordered by the court by HB 600 (2003). It is estimated more than \$3 million per year will pass through the office for the Basic Civil Legal Services Fund alone. To allow the Judiciary to assume this new responsibility, the Governor recommends:

- \$2,085,710 other funds to administer and distribute basic civil legal services funds.

Continuing Court Automation

During Fiscal Year 2004, three circuits are assisting with the implementation of the case management system, adding additional circuit court caseload to the automated system. However, the ongoing costs to support the system cannot be absorbed locally. Over the last two fiscal years case management was implemented in juvenile offices in 15 circuits and will be implemented in 6 more circuits during Fiscal Year 2004. In addition, the Office of State Courts Administrator is increasing efforts to improve collections of court surcharges and fees, including those supporting court automation and crime victims' compensation. The Governor recommends:

- \$541,225, including \$261,225 general revenue, for ongoing costs to support statewide court automation.

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POLICY SUMMARY (Continued)

Improving Health Care For Juveniles in Detention

A survey conducted by the Missouri Juvenile Justice Association revealed a lack of policy and procedures for medication dispensing by the majority of Missouri's 24 court-based juvenile detention facilities. The Judiciary proposes creating a Missouri Juvenile Detention Health Consortium to address this issue. The Governor recommends:

- \$49,920 federal funds to develop training, policies, and procedures to provide juveniles in detention facilities improved health care services.

Cuts Already Made

The Judiciary has worked to minimize the impact of reduced funding on services. However, funding has been cut in recent years. In Fiscal Year 2004, the Office of State Courts Administrator experienced a cut of \$746,802, or 15 percent of its general revenue budget. The cut in funding has been managed through reductions in travel, purchases, equipment maintenance and repair, the consolidation of contracts, and by a reduction of 12.44 positions within the Office of State Courts Administrator. Employees have taken on new duties as positions have been eliminated.

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SUPREME COURT

The Supreme Court has exclusive appellate jurisdiction in all cases involving: the validity of a treaty or statute of the United States or of a statute or provision of the Missouri Constitution; the construction of the state's revenue laws; the title to any state office; and, in all cases, where the punishment imposed is death. In addition, the court may order cases transferred to it from the Court of Appeals if the cases involve questions of general interest or importance, if the court thinks the existing law should be reexamined, if the opinion conflicts with prior opinions, or for other reasons provided by rule of the court. The Court of Appeals also may order a case transferred to the Supreme Court after opinion either by order of the Court of Appeals itself, or by the dissent of a court of appeals judge.

The court is also authorized by the Constitution to establish rules for practice and procedure in the courts and to make temporary transfers of judicial personnel. In addition to its decision-making powers, the Supreme Court supervises all lower courts in the state, (assisted by the Office of State Courts Administrator) licenses all lawyers practicing in Missouri, and disciplines those found guilty of violating the Rules of Professional Conduct.

Fiscal Year 2005 Governor's Recommendations

- \$2,057,366 other funds and one staff to administer the basic civil legal services fund and to distribute those funds for basic civil legal services to eligible low-income persons.
- \$25,000 other funds for increased costs of research and publishing publications.
- \$76,014 for pay plan, including \$67,414 general revenue.

OFFICE OF STATE COURTS ADMINISTRATOR

The Office of State Courts Administrator fulfills the administrative obligations of the Supreme Court, which are mandated under the judicial article and the statutes. Staff of the office provides technical assistance, statistical analysis, financial system analysis, and continuing education functions for the courts. The office assists in policy direction for the Statewide Judicial Information System (SWJIS), collects and analyzes caseload data from the courts, develops and operates appellate and circuit record-keeping systems, develops and operates administrative systems, prepares the judicial budget, and maintains the personnel system for the courts. A central transcribing service prepares typed transcripts from sound recordings when needed for appeals or other purposes as required by statute. The office processes payrolls for all state-paid circuit court employees and all other state expenditures of the Supreme Court and circuit courts.

Fiscal Year 2005 Governor's Recommendations

- \$541,225 to continue support for integrated case management, including \$261,225 general revenue.
- \$49,920 federal funds to create a consortium to review medication dispensing practices for juvenile detention facilities.
- \$28,344 other funds and one staff to collect fees for the basic civil legal services fund as required by SB 447 (2003).
- \$180,859 for pay plan, including \$115,974 general revenue.
- (3 staff) core reduction from the Fiscal Year 2004 appropriation level.

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COURT OF APPEALS

Missouri's current appellate structure—a single Court of Appeals consisting of three districts—was established by a 1970 constitutional amendment. The Eastern District sits in St. Louis, the Western District sits in Kansas City, and the Southern District holds sessions in Springfield and Poplar Bluff. The number of judges in each district is set by statute. The Eastern District has 14 judges, the Western District has 11 judges, and the Southern District has 7 judges.

The Court of Appeals may issue and determine original remedial writs and has general appellate jurisdiction in all cases not within the exclusive jurisdiction of the Supreme Court. Cases not within the Supreme Court's exclusive jurisdiction may be transferred from the Court of Appeals to the Supreme Court when it is determined that a case involves an important issue that should be decided by the state's highest court.

Fiscal Year 2005 Governor's Recommendations

- \$2,575 for increased rent in the Southern District.
- \$172,755 for pay plan.

	FY 2003 EXPENDITURE	FY 2004 APPROPRIATION	GOVERNOR RECOMMENDS FY 2005
Western District	\$ 3,401,984	\$ 3,371,833	\$ 3,430,662
Eastern District	4,393,309	4,364,405	4,442,092
Southern District	2,286,265	2,269,836	2,308,650
TOTAL	\$ 10,081,558	\$ 10,006,074	\$ 10,181,404
Personal Service	8,618,856	8,637,678	8,810,433
Expense and Equipment	1,462,702	1,368,396	1,370,971
TOTAL			
General Revenue Fund	\$ 10,081,558	\$ 10,006,074	\$ 10,181,404

Full-time equivalent employees	158.72	158.85	158.85
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CIRCUIT COURTS

Circuit courts are established by Article V, Section 15 of the Constitution of Missouri. The boundaries, circuit number, and inclusive counties of the 45 circuits are established by Chapter 478, RSMo. The circuit court is the exclusive trial court in Missouri. It is comprised of circuit judges, associate circuit judges, and municipal judges. Municipalities under 400,000 population may, and those over 400,000 must, make provision for judges to hear municipal ordinance violations. If such provision is not made, municipalities will file such cases before an associate circuit judge.

Fiscal Year 2005 Governor's Recommendations

- \$123,060 for an additional judge and one support clerk for the 23rd Circuit, Jefferson County. An additional judge is needed because of population growth revealed by the 2000 census and is called for pursuant to Section 478.320, RSMo.
- \$13,464 for statutory salary increases for circuit clerks in four counties moving into a new classification on January 1, 2005 (Butler, Lincoln, Scott, and Stone counties).
- \$2,170,343 for pay plan, including \$2,139,183 general revenue.
- (\$25,000) other funds core reduction from the Fiscal Year 2004 appropriation level.

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DRUG COURTS

The main purpose of a drug court program is to use the authority of the court to reduce crime by changing defendants' drug-using behavior. Under this concept, defendants are diverted to drug court programs in various ways and at various stages of the judicial process, depending on the circumstances. Drug courts provide the court system an additional tool to reduce the number of people coming into the court and penal systems because of substance abuse by reducing the rate of recidivism. Additionally, providing drug treatment programs decreases the negative consequences of drug abuse such as a reduction in the number of additional cases filed involving family disputes, abuse and neglect, truancy, property crimes, and crimes of violence.

In 1998, the legislature passed HB 1147, which allows any circuit to establish a drug court that shall combine judicial supervision, drug testing, and treatment of drug court participants. House Bill 471, passed by the General Assembly in 2001, established a "Drug Court Coordinating Commission" (DCCC), composed of eight members: one member selected by the director of the Department of Corrections; one member selected by the director of the Department of Social Services; one member selected by the director of the Department of Mental Health; one member selected by the director of the Department of Public Safety; one member selected by the Office of State Courts Administrator; and three members selected by the Supreme Court. The commission is to evaluate, secure, coordinate, and allocate funding resources to the various drug courts around the state.

Fiscal Year 2005 Governor's Recommendations

Continue funding at the current level.

COMMISSION ON RETIREMENT, REMOVAL, AND DISCIPLINE OF JUDGES

The Commission on Retirement, Removal, and Discipline of Judges, authorized in Article V, Section 27 of the Missouri Constitution, receives and investigates all requests and suggestions concerning retirement for disability and all complaints concerning misconduct of judges, members of the judicial commissions, and members of this commission. The commission is composed of two citizens who are not members of the bar and who are appointed by the Governor, two lawyers appointed by the governing body of the Missouri Bar, one judge of the Courts of Appeal selected by a majority of the judges of the Courts of Appeal, and one judge of the circuit courts selected by a majority of the circuit judges of this state.

Fiscal Year 2005 Governor's Recommendations

- \$2,944 for pay plan.

APPELLATE JUDICIAL COMMISSION

The Appellate Judicial Commission consists of a judge of the Supreme Court, one member of the bar from each appeals district, and one citizen not a member of the bar from each appeals district. The commission considers vacant judgeships of the Supreme Court or the Courts of Appeal. The Circuit Judicial Commission consists of the chief judge of the Courts of Appeal over the district, two members of the bar residing in the judicial circuit, and two citizens not members of the bar residing in the circuit. This commission considers vacancies in the office of circuit judge or associate circuit judge in those districts subject to nonpartisan selection of judges.

Fiscal Year 2005 Governor's Recommendations

- (\$8,252) for one-time expenditures.